

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Mark Hirsh, Whe-Yong Lo and Jane Hirsh

Assignee: Collegium Pharmaceutical, Inc.

Patent No: 6,827,946

Issue Date: December 7, 2004

Serial No: 10/012,202

Filed: December 5, 2001

For: *COMPOSITIONS CONTAINING BOTH SEDATIVE AND NON-SEDATIVE
ANTIHISTAMINES*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER IN ISSUED PATENT

Sir:

Petitioner, Collegium Pharmaceutical, Inc., is the owner of the entire interest in the above-identified patent and U.S. Patent No. 6,863,901, issued March 8, 2005, as evidenced by the accompanying Statements Under 37 C.F.R. § 3.73(b). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of the above-identified patent, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 as shortened by any terminal disclaimer filed in U.S. Patent No. 6,863,901, or any continuation thereof under 37 C.F.R. § 1.53(b). Petitioner hereby agrees that the above-identified patent shall be enforceable only for and during such period that it and U.S. Patent No. 6,863,901 are commonly owned. This agreement runs with the above-identified patent and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of the above-identified patent that would extend to the expiration date of the full statutory term as

defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,863,901, as shortened by any terminal disclaimer filed in U.S. Patent No. 6,863,901, in the event that U.S. Patent No. 6,863,901 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed U.S. Patent No. 6,863,901.

The undersigned (whose title is supplied below) is empowered to act on behalf of Collegium Pharmaceutical, Inc.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Collegium Pharmaceutical, Inc.

By: /Rivka D. Monheit/

Name: Rivka D. Monheit, Reg. No. 48,731

Title: Attorney of Record

Date: May 30, 2007